

From: Brent Johnson
To: Julie Farnes
Date: 3/4/05 8:31AM
Subject: Re: applying money question

I think you can leave the money as originally distributed. It isn't technically restitution until it is actually ordered, so there isn't a need to revise the payments.

>>> Julie Farnes 03/02/05 11:09AM >>>

We know that restitution is to be paid before fine. But wondered about this scenario.

The person is ordered a fine, but prosecution isn't sure about restitution yet (like with a car accident and they don't know what the insurance will pay) so the sentence only refers to fine.

The person makes several payments, then restitution is ordered.

Should the previous payments be reapplied to restitution? If so, part of my concern is that the cashiers wouldn't know how payments were applied previously to redistribute. They are just taking payments and it would be difficult for them to check every case to make sure what was previously paid. It wouldn't be discovered unless audited.

But because we state "restitution is to be paid before fine" I worry they could get written up for not paying off restitution first.

So I guess I'm wondering if legally we would be okay to leave the money how it was originally ordered, or if we really would have to redistribute...